

*CASCADE COUNTY PLANNING BOARD*

PLANNING STAFF: Report and Recommendations

REGARDING: Planning Board Meeting Scheduled for November 21, 2017

SUBJECT: The Preliminary Plat of the Painted Horse Minor Subdivision located in the South ½ of Section 31, Township 21 North, Range 3 East P.M.M., Cascade County, Montana.

PRESENTED BY: Alex Dachs, Senior Planner

GENERAL INFORMATION

Applicants/Owners: Ronald Lipke / Painted Horse Stables, LLC

Property Location: This proposed subdivision is located at 675 Vaughn South Frontage Road, in the South ½ of Section 31, T. 21N., R. 3E., P.M.M., Cascade County, MT.

Existing Zoning: Light Industrial (I-1)

Requested Action: Subdivision Review

Purpose: To create three (3) light industrial lots for light industrial uses and one (1) open space lot located in the 100 year FEMA regulated floodplain that will be restricted in use/development.

Existing Land Use: Agricultural/undeveloped

Surrounding Land Uses: Developed and undeveloped industrial/agricultural

SPECIAL INFORMATION

1. The planning board is in receipt of an application from Ron Lipke to approve a preliminary minor plat. This proposed subdivision is located at 675 Vaughn South Frontage Road, located in the South ½ of Section 31, T. 21N., R. 3E., P.M.M., Cascade County, MT.
2. Attached is a copy of the preliminary Minor Plat, which will subdivide 54.5 acres into Three light industrial lots for industrial/commercial uses with the lots ranging in size from 15.0 to 24.5 acres, and an open space lot consisting of 0.764 acres.
3. Access to the proposed subdivision will be via Vaughn South Frontage Road, with lots 1 and 2 sharing an approved MDT approach. The applicant is in the process of obtaining an approach permit and approval of the approach. Lot 3 is served by an existing approach.
4. Based on trip generation factors available from the Institute of Transportation Engineers (Appendix 11.5), the three (3) light industrial parcels will generate approximately 3.2 trips/employee/day, either starting or ending at the subdivision. At roughly 5 employees, this would generate 48 trips per day for the three lots.
5. Lot 1, 2, and 4 of the proposed subdivision will not be serviced by individual water and sewage disposal systems at this time and a sanitary restriction will be placed on the plat stating “a parcel for that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste facilities if no facilities will be constructed on the parcel” Approval for such systems from state and/or local health agencies is required before systems are installed.
6. The proposed subdivision consists of three (3) light industrial subdivision lots and one (1) open space subdivision lot, because it is a first time minor subdivision it is exempt from the parkland requirement pursuant to M.C.A. 76-3-621 (3)(e).
7. Law enforcement services are provided by the Cascade County Sheriff’s Department and fire protection support is provided by the Manchester and Vaughn Volunteer Fire Departments. Response distance for emergency fire vehicles is approximately 4.5 to 9 miles. Response time will be dictated by weather and road conditions.
8. There are no delinquent taxes on this property. The applicant is advised that any delinquent taxes owed must be paid current prior to final recordation of the minor subdivision plat.
9. An Environmental Assessment is not required pursuant to M.C.A. 76-3-609(2)(d)(i).
10. A public hearing is not required on this first minor plat pursuant to M.C.A. 76-3-609.

11. A portion of the property, more particularly described as Lot 4 consisting of 0.764 acres, is located within a 100 year floodplain (FIRM Panel number 30013C0320E). Subdivision Regulation 10-14 states that “a parcel of land proposed for subdivision, which is determined to have any portion located in a regulated floodplain of a perennial stream as defined in the Cascade County Floodplain Regulations and/or identified as such by adopted Floodway and Flood Insurance Rate Maps (FIRM), shall not be subdivided for any non-agricultural or non-open space uses, structures, or activities.”
12. The subdivision is exempt from Fire Protection located on-site as it is a First Time Minor Subdivision, and is not required to provide on-site fire protection services.
13. The property received a notice of noxious weeds in May 2017 as there were noxious weeds present on the property. No action was taken by the owner to resolve the issue. The applicant needs to remediate the problem this spring (April/early May) or the county will take steps to move to compliance enforcement.

### CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana’s Subdivision and Surveying Laws and Regulations.

### RECOMMENDATIONS

The following recommendations are provided for the Board’s consideration:

“I move that the recommendation to the Cascade County Commission after consideration of the Staff Report and Findings of Fact the Preliminary Plat of the Painted Horse Minor Subdivision be **denied**;

or

“I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact adopt said Staff Report and Findings of Fact and approve the Preliminary Plat of the Painted Horse Minor Subdivision, subject to the following ten (10) conditions:

1. Having the developer’s surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names

of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612);

4. Pursuant to 7-22-2152 M.C.A., submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development, and complying with any current violation of noxious weeds on the property to prevent further spread onto neighboring properties;
5. Causing to be recorded on the plat a statement concerning limited public services;
6. Causing to be recorded on the plat an Agricultural Notification Statement;
7. Obtain approach permit from Montana Department of Transportation for shared approach providing access for lots 1 and 2 of the subdivision for approaches onto Vaughn South Frontage Road;
8. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID;
9. Lot 4, is re-zoned open space and will be protected in perpetuity via deed restriction or irrevocable covenant and will be bought/sold conveyed as a part of Lot 3.

Attachments: Findings of Fact  
Vicinity Map  
Reduced Copy of the Survey

cc: Ronald Lipke  
Mark Leo, BSC&E, Inc.